
UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF TEXAS

United States District Court
Southern District of Texas

ENTERED

January 06, 2021

Nathan Ochsner, Clerk

Roxman C. Castro,
Petitioner,

v.

Bobby Lumpkin,
Director, Texas Department of
Criminal Justice, Correctional
Institutions Division,
Respondent.

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Civil Action H-19-4933

Order of Adoption

On December 2, 2020, Magistrate Judge Peter Bray recommended that the court deny Castro's petition for writ of habeas corpus as time barred. (13) In his objection (14), Castro claims to have placed his federal petition in the prison mail system before the statute of limitations expired on December 4, 2019. In his petition, under penalty of perjury and in answer to a specific question about the date of mailing, Castro stated that he placed his federal petition in the prison mail system on December 6, 2019. (1) Castro does not explain the discrepancy between the statements in his federal petition and the conclusory claim in his objection. Castro's objection is denied. The court adopts the report and recommendation as its memorandum and opinion. The court will issue a separate final judgment.

Signed on January 6, 2021, at Houston, Texas.


Lynn N. Hughes
United States District Judge